



J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

RECEIVED

MAY 04 2010

DEPARTMENT OF
WATER RESOURCES

April 30, 2010

Doug Jones
State of Idaho
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: IDWR Water Right No. 47-29.

Dear Doug:

Attached for filing is an application for transfer of the above referenced water right. This application proposes to transfer an 8-acre place of use from BLM land located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27 T.14S R.13E to land owned by the J. R. Simplot Self-Declaration of Revocable Trust within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23 T.14S R. 13E . Also enclosed is a \$100.00 check to cover your filing fee.

Should you have any questions about the enclosed transfer application, please contact me. My phone number is 208-389-7359; email: vic.conrad@simplot.com.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure

c: S. Clelland
D. Negri
F. Price
G. Young

Now offering ACH Electronic Payments! Inquiries: (208) 389-7457

Simplot

JRS Properties III LP

Vendor Name		Vendor Number		Check Number	00003462	
Idaho Department of Water Resources		10302352		Check Date	04/30/10	
				Check Amount	100.00	
Date	Invoice Number	Description	PO	Invoice Amount	Discount	Net Amount
04/29/10	042910IDWR	Tfr App Fee/Tews Ranch		100.00	0.00	100.00
Total				100.00	0.00	100.00

THE ATTACHED CHECK IS IN PAYMENT FOR THE ITEMS DESCRIBED ABOVE

▼ REMOVE DOCUMENT ALONG THIS PERFORATION ▼

VERIFY DOCUMENT AUTHENTICITY: THIS DOCUMENT HAS A MULTICOLORED AND VOID BACKGROUND	
JRS Properties III LP	WELLS FARGO BANK, N.A.
PAY <i>One hundred and 00/100 Dollars</i>	TO THE Idaho Department of Water Resources
ORDER OF	Check No. 00003462
	\$100.00
	<i>Annette L. Elg</i>
	SIGNATURE HAS A COLORED BACKGROUND • BORDER CONTAINS MICROPRINTING

⑈00003462⑈ ⑆121000248⑆ 4122654619⑈

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) J. R. Simplot Self-Declaration of Revocable Trust Phone 208-336-2110Mailing address PO Box 27, Boise, ID 83707 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

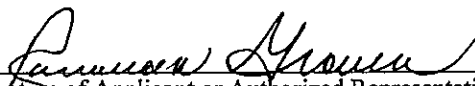
☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Ronald N. Graves, Trustee
Print Name and Title if applicable

April 30, 2010
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. In the SRBA the BLM objected to the 8-acre place of use and point of diversion located on BLM-owned land the NE¼NE¼ of Section 27 T.14S T.13E. This transfer application seeks approval to move this 8 acre place of use and point of diversion approximately ¼ mile downstream to land owned by the applicant.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	47-29	0.64	Irrigation	4/1 to 10/31	Cedar Crk/ Salmon Falls Crk
☒ ☐	47-29	0.46	Stockwater	1/1 to 12/31	Cedar Crk/Salmon Falls Crk
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.64 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 0.16 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
New		NW	SW	SW	23	14S	13E	Twin Falls	Cedar Creek	
Old		SW	SW	NE	27	14S	13E	Twin Falls	Cedar Creek	
Old		SW	SW	NE	27	14S	13E	Twin Falls	Cedar Creek	
Old		SE	SE	NW	27	14S	13E	Twin Falls	Cedar Creek	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	13E	22																14	14
		23										8							8
		27			10														10

Total Acres (for irrigation use) 32

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: The diversion will consist of a screened suction intake, pump and motor.
An in-line flow meter will be installed on the pipeline that transports water from the diversion to the 8 acre place of use.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: Not applicable.

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: The 8 acre place of use situated on BLM land will no longer be irrigated.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: No overlapping water rights for the new place of use; and no existing water rights are diverted from the new point of diversion.

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: The water right has been recommended for partial decree in the Snake River Basin Adjudication. The approval of this transfer will resolve the contested matter of identifying a BLM owned place of use and point of diversion. Once the BLM land is removed from the water right, a partial decree can be entered for this water right in the SRBA.

Total Acres (for irrigation use) 8

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 47-29

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST

Priority Date: 5/1/1906

Origin: Adjudication Recommendation

Status: Active

Basis: Decreed

Source		Tributary	
CEDAR CREEK		SALMON FALLS CREEK	
Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 10/31	0.64 CFS	
STOCKWATER	01/01 to 12/31	0.46 CFS	
	Total Diversion	0.64 CFS	
Location of Point(s) of Diversion			
CEDAR CREEK		NW1/4NE1/4NE1/4	Sec. 27, Twp 14S, Rge 13E B.M.
TWIN FALLS County			
SPRINGS		SW1/4SW1/4NE1/4	Sec. 27, Twp 14S, Rge 13E B.M.
TWIN FALLS County			
SPRINGS		SW1/4SW1/4NE1/4	Sec. 27, Twp 14S, Rge 13E B.M.
TWIN FALLS County			
SPRINGS		SE1/4SE1/4NW1/4	Sec. 27, Twp 14S, Rge 13E B.M.
TWIN FALLS County			

Place of Use

IRRIGATION Within TWIN FALLS County

T14S R13E S22	SESE	14.00	T14S R13E S27	NENE	8.00
T14S R13E S27	SWNE	10.00			

Total Acres: 32

Place of Use: STOCKWATER same as IRRIGATION

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. X02 Stockwater use is for 2000 beef cattle.

Add'l Fee Paid	Date	Received by	Receipt #

Attachment 7b. Application for Transfer; IDWR Water Right No. 47-29

